

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD WEDNESDAY, JANUARY 21, 2015 – 6:00 P.M. - ROCKVILLE CITY HALL

The meeting was called to order by Mayor Jeff Hagen. Roll Call was taken and the following members were found to be present: Mayor Hagen, Council members Sue Palmer, Don Simon, Duane Willenbring. Absent: None.

Staff members present were: Administrator/Clerk Rena Weber, Lt. Jon Lentz & Planning Commission Member Bill Becker.

Others present were: Tудie Hermanutz, Dorothy Tallman, Tom Maselter, Carol Dietman, Tim Byram, Charlie & Cheryl Unger, Sandra Robateck, Sarah Lindbloom, Nathan Gill, Paul Wirth, Christ Althaus, Fabian Ruhland, Jim & Elizabeth Althaus, Dave Zwilling, George Bechtold & Clarence Bloch.

OATH OF OFFICE ISSUED

OATH OF OFFICE ISSUED – Administrator/Clerk Weber issued the oath of office to Member Duane Willenbring and Councilor Elect Rick Tallman and welcomed both to the council.

Mayor Hagen once again took roll with all members being present:

OPEN FORUM

No one appeared.

CONSENT AGENDA – Motion by Member Palmer, second by Member Simon, to approve the consent agenda amended as presented:

- a) **Approve minutes of 12/17/14**
- b) **Accept Treasurer's Report of 01/21/2015**
- c) **Accept List of Bills and Additions of 01/21/2015**

Accounts Payable CK #01572 – 015829	\$575,221.78
Payroll CK #004840 to 004887	52,596.17
EFT CK #000890 to 000903	18,879.01
- d) **Approve the 2015 Fees & Calendar**
- e) **Approve Reimbursement Resolution No. 2015-01**
- f) **Park & Rec Concession Stand 3.2% liquor License May 1 thru Oct 30 2015**
- g) **St. Joe Vol. Firefighter Relief Assn. raffle at Water's Edge 4/10/15**

Member Willenbring questioned the purchase of a maniac saw for the Fire Department. Rena commented that the one replaced was very old according to the Chief.

Member Tallman had concerns on the following:

1. Minutes of 12/17 – correct 4rd party contact to 3rd
2. List of Bills – would like to see a comment on every line
3. Cash balance statement – where is the water tower \$550,000 refund amount? (*Rena Weber explained it is in an escrow account*)
4. \$25.00 Administration fee schedule – when did that change?
5. Committee assignments – started to list his concerns, but was told not now.
6. Minutes – The minutes show a summarized statement of what people have said. Can the person who spoke at open forum read and approve what they said? There is no way for people to agree to what was conveyed.
7. Treasurer's Report – at a RTCB meeting Martin Bode brought up that the council should not approve the treasurer report and should only accept them so he will accept the treasurer report and bills not approve as he does not want to personally be responsible to pay them should they be wrong.

Motion by Mayor Hagen, second by Member Tallman to amend the consent agenda to "Accept items B & C and approve the remaining items.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

BOARD/STAFF REPORTS

POLICE DEPARTMENT – Lt. Jon Lentz reported on the contract hours for December (36) with a listing of the types of calls.

HYDRANT METER – Member Tallman questioned if a theft of property is over a \$1,000 it is a felony. Jon would need to check on the amount.

Back in November Member Tallman questioned the purchase of a \$1300 hydrant meter, which was discovered as missing and replaced after a person left employment with the city. He had asked for a written report and whether it was filed with the Sheriff Department. Rena Weber explained that a written report was done and submitted to the city council.

FIRE DEPARTMENT APPOINT OFFICERS AND PAY – Member Palmer reported that the Human Resource Committee has met and reviewed the applications for 2015 officers of the Fire Department and recommends approval of the same:

- Rodney Schaefer – Chief - - \$2000 + 2 years to 2016
- Don Simon – 1st Asst. Chief – \$1250 + 4 years to 2018
- Tim Massmann – 2nd Asst. Chief \$1000 + 2 years to 2016
- Andrew Struffert – Secretary/Treasurer \$1500 + 4 years to 2018
- Mike Schlangen – Captain - \$500 – (appointed by the Chief)
- Keith Massmann – Captain - \$500 – (appointed by the Chief)

Motion by Member Palmer, second by Member Willenbring, to approve the appointment of Fire Department officers as presented.

AYES: Hagen, Palmer, Tallman & Willenbring

ABSTAIN: Simon

Motion passed on a 4 to 0 vote.

PLANNING COMMISSION – Chair Bill Becker reported on the following:

Re: Variance Request
76.41780.0001: Owners: David & Marlene Molitor
Property Address: XXX County Road 8 (new home)

Variance(s) Requested:

1. Variance to construct a 36' x 72' single family dwelling and to locate it on property abutting Grand Lake – General Development Lake.
 - a) Building setback from centerline of County Road should be 100' – 90.96' is proposed.
 - b) Building setback from the rear property line should be 35' – 26' is proposed.

Construction Requests:

1. Construct 2,592 sf single family dwelling.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 25,331 square feet more or less.
3. 7 notices of public hearing were sent out.
4. Impervious Surface – Total lot area is 25,330.83 sf of which 14% would be covered including the pump house.
5. Per Susan McGuire – SC Environmental Services regarding wetland determination:
*I understand that the City would like a wetland determination on the property owned by David and Marlene Molitor Trust, Evens Addition, PID 76.41780.0001.
Concerning the portion of the parcel away from the lake, on the southwest side of County Road 8 –The soils map shows this is Osakis loam with a water table at 2.5 feet below surface. The soil is 5% hydric soil in depressions; the parcel is almost flat. There are no National Wetland Inventory wetland shown. There are not wetland concerns on this parcel.*

Recommendations:

1. This requires 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. Proper temporary and permanent erosion control measurers (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.

3. Approve with these conditions.

The Planning Commission reviewed the request and recommends approval.

Member Willenbring introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2015-03

A RESOLUTION GRANTING VARIANCES TO CONSTRUCT A SINGLE FAMILY DWELLING IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from David & Marlene Molitor for variances from front and rear yard lot line to construct a 36' x 72' single family dwelling in the R-1 Shoreland District, and;

WHEREAS, said structure requires approval of two variances, and;

WHEREAS, said structure will be located 26' from the rear yard lot line, and 90.96' from the centerline of County Road 8, and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

1. **Said request is hereby approved to construct the single family dwelling as proposed.**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the variance will not be detrimental to the public health, safety, comfort and general welfare of the City.**
4. **Proper temporary and permanent erosion control measurers (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.**

The motion for the foregoing resolution was duly seconded by Member Simon with the following vote being taken.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

Member Tallman questioned the camper being removed from the lot once the home is built. It was determined that the camper could be stored on site, but not lived in.

ALTHAUS/UNGER RE-ZONE REQUEST – Chair Bill Becker reported on the Althaus/Unger rezoning request:

Re-Zoning Request

76.41609.0500: Owners: James & Elizabeth Althaus

Property Address: 25264 Haywood Road, St. Cloud, MN 56301

76.41610.0600: Owners: Charles & Cheryl Unger

Property Address: 24984 Haywood Road, St. Cloud, MN 56301

Re-Zoning Requested:

1. These two adjoining neighbors request to re-zone 44.66 acres of property from Ag-40 to R-R – Rural Residential.

Construction Requests:

2. Eventually to subdivide both parcels to allow for a houses to be built.

Relevant Information:

3. Property contains 44.66 acres more or less.
4. 10 notices of public hearing were sent out.
5. This property is zoned Ag-40.
6. These two properties are contiguous.
7. The owners are looking to retire and sell off some of their property to their children.
8. This area was made into smaller lots when it was originally platted.
9. This area is not farmed and is heavily wooded so it is ideal for rural residential

Recommendation:

1. This joint project is quite unique in that both property owners are thinking of doing the same thing at the same time. We figured we could save some costs by doing them together.
2. The next step will be to sub-divide and Dan Kron will provide a concept plan at the hearing for folks to view keeping the lots to no less than 5 acres and not creating any new roads for the city to maintain.

Chair Becker indicated that the Planning Commission recommends approval of the re-zoning as presented stating it is the perfect use of the Rural Residential zoning.

**Member Palmer introduced the following resolution and moved for its adoption:
RESOLUTION NO. 2015-04**

RESOLUTION APPROVING A REZONING FROM AG-40 TO RR RURAL RESIDENTIAL

WHEREAS, a request has been received from James & Elizabeth Althaus and Charles and Cheryl Althaus to rezone certain property from Ag-40 to RR, and;

WHEREAS, a public hearing to consider the request was held before the Rockville Planning Commission on 01/13/15, and;

WHEREAS, proper notification was given and published notice was published in the Cold Spring Record, and;

WHEREAS, all persons attending the hearing were given an opportunity to address the Planning Commission.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

1. **The request to rezone 44.66 acres of parcel #76.416 from R-1 to RR is hereby approved.**
2. **Said approval will not create undue hardship, is a unique circumstance, and applies to the individual property.**
3. **That granting of the rezoning will not be detrimental to the public health, safety, comfort and general welfare of the City.**

The motion for the foregoing resolution was duly seconded by Member Willenbring with the following vote being taken.

**AYES: Hagen, Palmer, Simon, Tallman & Willenbring
Motion passed on a 5 to 0 vote.**

Member Willenbring stated that this is the perfect area to do this.

MIKE ROTH VARIANCE REQUEST – Chair Becker indicated that the Planning Commission reviewed the Mike Roth request for variance again and has voted to deny the request.

Rena Weber read the e-mail from Mr. Roth on his behalf:

"I may not make the meeting on Wednesday due to a commitment with a client in Detroit Lakes. That being said, I still would like to see my variance get approved. I get that if you look at the ordinance from a black and white perspective, the answer is no. If every request was reviewed this way there would be no need for a variance process.

In my humble opinion, I am asking the council to look at the reasonableness of my request. I have compromised and moved the shed back from shore despite it being less convenient. In my opinion, my back yard is large compared to many on the lake and there are mitigating factors to the pure 50 foot setback ordinance. For example, I am willing to include some grasses and native plants into the plan to help protect the lake. I have been a resident of the lake since 1988 and a member of the Grand Lake Association for many of those years. I do not want to harm the lake."

Member Palmer introduced the following resolution to deny the request for variance per the Planning Commission recommendation.

Discussion was held:

Member Simon questioned if there were any objections from the neighbors now that is proposed to be moved back to 30'. *No – there were none.*

Mayor Hagen cited why they are being moved a critical distance from the lake as the runoff from the shingles and contaminants from leaky gas cans could get into the lake. Mike Roth has a very large lot and saying that it is less convenient is not a reason to grant a variance. Leech Lake requires nothing in the first 75' from the lake.

Member Willenbring cited push back as it is not really a structure since it not permanently fixed to the ground. There is a value to look at that. Under what authority do we have a right to control a structure that is not permanent?

Member Palmer stated that you are just doing a work around by saying it is not fixed. The intent is to keep it out of the first 50'. The Planning Commission should look at changing the definition of structure.

Member Tallman indicated that he looked at the same thing when he moved here. Stearns County allows structures within 15' of the OHWL. Why are we using 50'?

Member Palmer stated why the group chose to adopt the ordinance is that we followed the DNR recommendation and wished to improve the water quality.

Member Tallman stated he does not see this as a major impact on the lake. Mr. Roth is offering to do mitigation.

Member Palmer asked on what grounds would you grant this and not the next one.

Member Palmer agreed with Mayor Hagen. – Is this a hardship? He is not being denied fair use of the property.

Member Tallman wished to look at the ordinance as it seems to be extreme.

RESOLUTION 2015-05

A RESOLUTION DENYING A VARIANCE REQUEST IN THE SHORELAND DISTRICT.

WHEREAS, A request has been received from Mike Roth for a variance from Shoreland requirements to construct an accessory structure and to locate it within 30' of the Shore Impact Zone in the Shoreland District, and;

WHEREAS, said request exceeds the 50' requirement, and;

WHEREAS, Proper notification and publication had been given, and;

WHEREAS, all persons were given an opportunity to be heard on said request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCKVILLE, STEARNS COUNTY, MINNESOTA:

- Said request is hereby denied in that there is no hardship in moving the structure back to the 50' line and further that contamination of the lake could be avoided with the structure being located further back.**

The motion was duly seconded by Member Simon with the following vote being taken:

AYES: Hagen, Palmer & Simon

NAYS: Tallman and Willenbring

Motion passed on a 3 – 2 vote to deny the request.

Bill Becker voiced concern that we would be taking a step backwards to change the Shoreland ordinance.

APPOINTMENT OF PLANNING COMMISSION OFFICERS –Rena Weber reported that the Planning Commission recommends appointing Bill Becker as the Chair for 2015 and Toni Honer as Vice Chair. Toni just wanted to step down for a while, but should be thanked for her years of dedication.

Motion by Member Palmer, second by Member Willenbring, to approve the appointment of officers as recommended by the Planning Commission.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

OLD BUSINESS

FINAL BUDGET AMENDMENTS – Rena Weber represented the final 2014 budget amendments for approval citing that in the future a policy should be discussed as to cutting off buying any big expenditure by 12/1 of a given year.

AMEND BUDGET 2014 REVENUE CODE	BEGINNING BUDGET	DIFFERENCE	ENDING BUDGET	COMMENT
R 101-41000-32210	20,000.00	4,937.73	15,062.27	BUILDING PERMITS
R 101-41000-36420	663.69	2,281.47	2,945.16	REIM – OPERATIONS

R 221-41000-36240	0	1,000.00	1,000.00	GRANT
R 601-49440-37130	1900	3,934.43	5,834.43	PENALTIES & INTEREST
EXPENDITURE CODE				
E 101-41000-305	15,000.00	1,667.61	16,667.61	BUILDING INSPECTION FEES
101-42200-103	29,000.00	5,720.95	34,720.95	EMPLOYEE WAGES - FIRE
E 601-49490-702	0.00	11,955.12	11,955.12	TRANSFER-WATER BOND PMT

Motion by Member Willenbring, second by Member Tallman, to approve the final budget amendments as presented.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

ACTING MAYOR – Motion by Mayor Hagen, second by Member Simon, to appoint Sue Palmer as the Acting Mayor for 2015.

AYES: Hagen, Simon & Willenbring

NAYS: Tallman

ABSTAINING: Palmer

Motion passed on a 3 – 1 vote.

FULL LIST ANNUAL APPOINTMENTS – Motion by Member Palmer, second by Mayor Hagen, to approve the full list of annual appointments as presented.

1. ENGINEERING FIRM - SEH
2. OFFICIAL NEWSPAPER – *Cold Spring Record*
3. OFFICIAL DEPOSITORY – Granite Community Bank, Plaza Park Bank, Morgan Stanley/Smith Barney, Bremer Bank, & 4M Fund
4. ACTING MAYOR – Sue Palmer
5. AUDITOR/ACCOUNTANT – KDV
6. ATTORNEY – Rinke Noonan
7. WEED INSPECTOR – Mayor Jeff Hagen
8. ASSISTANT WEED INSPECTOR – Nick Waldbillig
9. COUNTY AGRICULTURAL INSPECTOR – Bob Dunning
10. PROCESS SERVER – Stearns County Sheriff’s Department

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

NEW BUSINESS

2015 COMMITTEE LIST - Mayor Hagen presented his 2015 committee list.

PUBLIC WORKS COMMITTEE

DON SIMON

JEFF HAGEN

HUMAN RESOURCE COMMITTEE

JEFF HAGEN

SUE PALMER

NEGOTIATING TEAM

DON SIMON

RICK TALLMAN

FINANCE COMMITTEE

RICK TALLMAN

SUE PALMER – CHAIR

PARK & REC BOARD

SCOTT STENSETH

LORI ANDERSON

PAUL WIRTH

DUANE WILLENBRING - LIAISON

EDA

VERN SALZL

ED KARLS

DUANE WILLENBRING

DON SIMON

JACOB REITER

PLANNING COMMISSION

SUSAN PALMER – LIAISON

TONI HONER

JERRY TIPPELT

DALE BORGMANN

BILL BECKER – CHAIR

TRI-CITY CABLE

ROGER SCHMIDT

BRIAN MICHALSKI

ROCORI TRAIL

DUANE WILLENBRING

JOHN PECK

Discussion was held:

Member Tallman questioned the name of Personnel Vs Human Resource Committee. *It was determined that the committee would be called Human Resources going forward.*

Member Willenbring would like to see someone from the public serve on the committee.

Member Tallman agreed with that.

Member Palmer voiced concern that standing committees are public officials. If you have an Ad-hoc committee, then include the public.

Member Willenbring indicated that if there are 2 committee members of the council then you don't have to worry about the open meeting law and visibility.

Member Tallman wished to speak to the Human Resource Committee:

- a) In talking with taxpayers we can't afford another year of what we went through in 2014.
- b) Kevin Brown was a doing fantastic job, but he was given an option to resign or be fired.
- c) The job was not posted and then there were comments on there being thorough research done on Roger.
- d) Hiring of Roger created \$40000 in pay raises.
- e) He did a simple, but thorough google search on Roger, there was a huge list of issues with the City of Foley.
- f) Roger left after 5 months and the Human Resource Committee stepped aside and let Duane Willenbring and Don Simon take over for the hiring of Nick.

Member Palmer stated that she does not agree with everything he said as the facts are not true. We were grossly underpaying staff and in order to get a person we needed to pay more.

Member Tallman stated that we had Kevin Brown in place at \$18.00/hr. He was not offered a raise. It was said that he had no respect for the budget – he asked for council approval. We need a new HR committee.

Member Willenbring indicated that these committees are recommending committees. As a councilmember he has one bite at the apple. It's a tremendous task to keep things moving. We always have input, just need civility.

Motion by Member Palmer, second by Member Willenbring, to approve 2015 Committee List as amended with Human Resource as the committee name.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

DON SIMON CONTRACT – Mayor Hagen introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2015-02

A RESOLUTION AWARDING A CONTRACT FOR SERVICES TO DON SIMON

WHEREAS, the City of Rockville has several wells and other water facilities that require inspection and service outside of regular hours City hours;

WHEREAS, Don Simon, a Council member of the Council for the City of Rockville is available and capable of performing said work; and;

WHEREAS, the City has been unable to find another individual or company to perform these services, or make other arrangements for existing employees to perform these services for an amount equal to or less than the compensation requested by Mr. Simon.

NOW, THEREFORE, the Rockville City Council resolves as follows:

1. The Rockville City Council awards the contract attached hereto as Exhibit A to Don Simon, a Council member, on the terms and conditions contained therein.

The motion for the foregoing resolution was duly seconded by Member Willenbring, with the following vote being taken:

AYES: Hagen, Palmer, Tallman & Willenbring

ABSTAIN: Simon

Motion passed on a 4 to 0 vote.

COMMITTEE REPORTS

RTCB – Member Willenbring reported that he is the RTCB Chair for 2015 and that our Administrator/Clerk is the secretary.

HUMAN RESOURCES- Member Palmer reported on the following:

HR recommends approval of the following change to the health insurance policy:

“Health differential pay will be provided to those full-time employees choosing not to enroll in the group health insurance policy. Employees shall receive 80 percent of the monthly single premium rate in cash. This health differential pay shall be paid as part of the employee’s regular paycheck and will be taxable income unless elected into a non-taxable (HSA or similar) plan.

Motion by Member Palmer, second Member Tallman, to approve the health insurance in lieu of policy change as presented.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

PTO FOR PART-TIME REGULAR EMPLOYEE – Member Palmer reported that the HR Committee recommends approval to grant an additional 5 days of PTO at 3 years of service for regular part-time employees as the full-time employees earn 21 days at this same point.

Motion by Member Palmer, second by Member Willenbring, to grant the 10 days PTO at 3 years for regular part-time employees.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

OPEN FORUM

George Bechtold –asked how do you get your name back on the city web-site. The Granite Edge was eliminated.

Paul Wirth – 8317 County Road 6 – voiced concern in regard to the Shoreland Ordinance. He was on that committee which lasted 3 years. We went to a number of workshops, we were very blessed to have the talent we had drafting the ordinance and it would be a mistake to go backwards on this. The Planning Commission was right. He gave up vacation to serve on this committee. It is the way of the future – it not only includes the water in the lake but your wells too. We are going in the right direction.

Member Tallman asked Paul if all this research was done, has that information been given to the city.

WATER CONSERVATION RATE –Mayor Hagen read his e-mail in regards to council responsibility in adopting a water conservation rate. *(A copy is hereby attached and marked Exhibit A)*

Member Tallman stated that his proposal was based on water rate study done last year. \$4.95 is the cost to produce one gallon of water so this was his reason for selecting \$5.00. The reason to eliminate the base fee is where the unfairness comes in. Item #3 of the Mayor's memo is exactly what his proposal does. The water revenue came in higher than anticipated.

Member Tallman feels it is quite simple. Can't the staff do the 21 page document?

Member Willenbring wished to set Mayor Hagen and Member Tallman's proposals off to the side and explained how he came up with his numbers which includes money now from the ad valorem tax.

Rena Weber wished to remind all that the total water fund budget is \$147,000, but \$120,000 is collected from water bills.

Member Palmer explained her choosing 0 – 3000, 3001 to 8000, 8001 to 14,000, then 14001 + with separate agreements with large industrial users so there should be some incentive to reduce usage. Sue's suggestion:

0 – 3,000 \$20.00 is this enough or charge \$25.00

3,001 to 8,000 \$6.00 per thousand

8,001 to 14,000 \$7.20 per thousand

14001 + \$8.20 now \$10.00

Member Willenbring stated that rather than go to the full page bill – put the information on the web-site and in the newsletter. Could staff do the new numbers on Sue's suggestion?

History of last three years of budgets.

Mayor Hagen wished to address the points made in his memo:

1. Can you agree on revenue reduction of 5%, 10%? *5% was agreed to.*
2. Operating reserve - \$60,000 is one-half of the budget. What time frame would we like to reach this \$60,000? *What is in the reserves? 4 years to meet the \$6000 or \$15,000 per year.*
3. Does anybody want to see a higher % at the higher end?

Member Palmer indicated that she used a 20% increase in tier.

Member Tallman disagreed with the tiers.

Mayor Hagen asked over 15,000 gallons a 50% increase to \$10.00?

Member Willenbring indicated he would like 5 years on the expense side, 50% of the operating budget in reserves with a 5% reduction in sales.

Member Tallman would like to know how much is in reserves and wants to keep his proposal on the table.

It was determined that staff would compile the anticipated revenue from Member Palmer's suggestion. Rena can call Member Palmer and Member Willenbring if need be.

ADJOURNMENT – Motion by Member Palmer, second by Member Willenbring, to adjourn the meeting at 8:24 p.m. Motion carried.

VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK

JEFF HAGEN
MAYOR

From: Jeff Hagen <jshagen@rocketmail.com>
Sent: Wednesday, January 21, 2015 11:31 AM
To: Rena Weber
Cc: Susan Palmer
Subject: Re: See attached

Rena.....what I would like to go out to all councilors with my final proposal:

To All:

I apologize for this late notice but my other workload has kept me from spending the time I would have liked to reviewing what these several options were proposing relative to what the literature that Rena has on file from MRWA, DNR, LMC, etc. regarding water rates. I am not sure if all these entities have specifically weighed in on this issue or how they might have done so, but I list them because it is my understanding they are consistent in support of what is in the applicable statute on this.

The reasons I have for my proposal, taken from literature from the above entities, recommendations from fellow councilors, historically and recently from Rockville and majority of similar cities, etc.

1. The purpose of this statute is to promote conservation of water and the intent is to promote conservation at all levels, affecting all residents.
2. There is historical and current support and justification for fixed water fee that covers capital expenses, fixed and partially fixed operating expenses (i.e. operations, maintenance and replacements). This base/fixed water fee is intended to be adjusted as those expenses that are covered by this fixed fee change over time.
3. There is historical and current support and justification that water should be provided/sold at a cost relative to its cost of production, that it should not be provided for free; but should be sold near or at its marginal cost of production.
4. The above entities support incentivizing all residents to conserve water, regardless of where they fall on the usage chart. Providing free water for 24% of the users for up to 4,000 gallons/cycle will NOT result in their conserving any water but most likely will cause them to use ALL of the allotted 4,000 gallons because they view it as "free". This will have the opposite impact that the statute intends for this group of people.
5. MRWA recommends that the tier increases be at least 25% on the low end and at least 50% on the very upper end. This is logical because those at the low end have lower abilities to conserve water and those at the higher end have the largest abilities to conserve water. Each user has basic needs for water and as the amount used increases, it is my opinion the additional water used becomes more discretionary.
6. It is my opinion that the tiered structure should be designed to provide as much incentive as possible for users to try and move to a lower tier, and/or to avoid moving to a higher tier. Financial incentives are the best way to do that and the statute and the above entities imply the same.

7. MRWA recommends 3, possibly 4 tiers be used. They recommend that the "blocks or tiers" be approximately 5,000 gallons to 10,000 gallon increments, but given that their "average" user is 40,000 gallons, it is my opinion that roughly 4,000 gallon tiers was more appropriate given that Rockville's average user is about 8,500 gallons/cycle. I also took into consideration the strata of users in each tier/block that you see attached here.....24%, 40%, 28%, 8%....

8. I used \$20 as the base fee as the most recent recommendation from council members has been to go to a \$20/unit per cycle base fee, up from the current \$19.08/cycle base fee. This is a relatively minor increase and it allows for some funds to help build up the 6-month operating reserve that Duane recommended at the last council meeting.

9. If we hope this required conservation water program is successful, we should build in some sort of reduction in projected water use. Our budget for 2015 is approximately \$120,000, so 10% to 20% reduction is a reasonable goal, and if we use 15% as average, we would receive roughly \$18,000 less than budgeted. Therefore, we need to approve a rate structure that allows for the hoped for/expected water savings, revenue reduction.

10. Duane made a very good recommendation that this enterprise fund carry the recommended 6-month operating reserve, which using 2015 budget of \$120,000, would be \$60,000.

If you use my approximate \$160,000 in revenue projections worked up by Judy, reduce that by 15% for water savings, the revenue result would be approximately \$136,000, and this less the \$120,000 budget allows us to put roughly \$16,000 into the operating reserve that has a goal of \$60,000. At 5% water savings, this allows: \$152,000 less \$120,000 or \$32,000 to go into the operating reserve. At 10% water savings, this allows: \$144,000 less \$120,000, or \$24,000 to go to operating reserves.

Also, the additional approximately \$0.92/cycle in base water fees, 6 cycles per year is \$5.52/year. That times the number of units/users on the system, adds: \$5.52/year x 300 users (??) or \$1,650....immaterial, but something.

I think it would be imprudent for the council to propose a structure that would result in less expected revenue than what our budgeted expenses are for 2015. Some expected water savings should be built it to the structure.

Again, I apologize for the late involvement and notice, but hopefully this will provide all an opportunity to review and prepare to discuss this evening. I believe we have 5 different proposals on the table at this time and it is my opinion it is our task, in a timely manner, narrow these down to one, or maybe 2 that we can timely compare and make a final decision this evening. This task has taken an extremely large amount of staff time and in perspective to the many large responsibilities we have to the residents of this city, we can hopefully find a more efficient way to resolve future similar tasks.

Jeff

Jeff Hagen
J S Hagen Appraisal Associates
21614 County, Road 8

Duane Willenbring & Rick Tallman Uniform Conservation Rate Proposal

Usage
 20,323,495
1,552,000 388 units x 4000
 18,771,495 Remaining usage

(Usage 1,552,000 is in the \$20.00 minimum fee)
 388 units x 20 \$ 7,760.00
 7760 x 6 billings \$ 46,560.00

Revenue
 Approx. 106,325.66
\$10.00/Monthly Flat Fee -OM & R (Operations, Maintenance, & Replacement)
Uniform Conservation Rate:
 2,000 gallons per month = \$10.00
 Fee per thousand gallons \$5.00

Duane Willenbring's Proposal

Usage
 20,323,495
1,552,000 388 units x 4000
 18,771,495 Remaining usage

(Usage 1,552,000 is in the \$20.00 minimum fee)
 388 units x 20 \$ 7,760.00
 7760 x 6 billings \$ 46,560.00

Approx. Revenue \$ 113,225.82
Conservation Water Rate:
 0-4,000 gallons per month = \$20.00
 4001-15000 \$5.30/per thousand gallons
 15000+ \$6.25/per thousand gallons

Approx
 24%
 68%
 8% 20% increase
 100%

Susan Palmer's Proposal

Conservation Water Rate:
 0-4,000 gallons per month = \$20.00
 4001-15000 \$6.00/per thousand gallons
 15000+ \$7.20/per thousand gallons

Approx
 24%
 68%
 8% 20% increase

Approx. Revenue \$126,110.35

Finance Committee

Usage
 20,323,495

388 units x 19.08 \$ 7,403.04
 7403.04 x 6 billings \$ 44,418.24

Approx. 73,407.76
 Base Rate 44,418.24
 Approx. Revenue \$ 117,826.00
\$9.54/Monthly Flat Fee -OM & R (Operations, Maintenance, & Replacement)
Conservation Rate:
 0-2000 \$2.25/per thousand ga
 2001-8480 \$3.45/per thousand ga
 8481-15000 \$3.55/per thousand ga
 15,001 + \$3.85/per thousand ga

Mayor's Proposal

\$20.00/Bi -Monthly Flat Fee -OI
 0-4000 \$2.75/per thousand ga
 4001-8000 \$3.60/per thousand ga
 8001-14000 \$5.25/per thousand ga
 14001+ \$7.90/per thousand ga

Approx. Revenue \$ 160,984.79

Duane Willenbring & Rick Tallman Uniform Conservation Rate Proposal

Usage
 20,323,495
1,552,000 388 units x 4000
 18,771,495 Remaining usage

(Usage 1,552,000 is in the \$20.00 minimum fee)

388 units x 20 \$ 7,760.00
 7760 x 6 billings \$ 46,560.00

Revenue

Approx. **106,325.66**

\$10.00/Monthly Flat Fee -OM & R (Operations, Maintenance, & Replacement)

Uniform Conservation Rate: Approx
 2,000 gallons per month = \$10.00 0-4000 23%
 Fee per thousand gallons \$5.00 4001+ 77%
 100%

Duane Willenbring's Proposal

Usage
 20,323,495
1,552,000 388 units x 4000
 18,771,495 Remaining usage

(Usage 1,552,000 is in the \$20.00 minimum fee)

388 units x 20 \$ 7,760.00
 7760 x 6 billings \$ 46,560.00

Approx. Revenue \$ **113,225.82**

Conservation Water Rate:

0-4,000 gallons per month = \$20.00 Approx 23%
 4001-15000 \$5.30/per thousand gallons 67%
 15000+ \$6.25/per thousand gallons 10%
 100%

What ever
 your usage is
 you subtract
 off the tier's
 and pay each
 tier per /1000

Finance Committee Proposal

Usage
 20,323,495
 388 units x 19.08 \$ 7,403.04
 7403.04 x 6 billings \$ 44,418.24

Approx. 73,407.76
 Base Rate 44,418.24

Approx. Revenue \$ **117,826.00**

\$9.54/Monthly Flat Fee -OM & R (Operations, Maintenance, & Replacement)

Conservation Rate: Approx
 0-2000 \$2.25/per thousand gallons 9%
 2001-8480 \$3.45/per thousand gallons 57%
 8481-15000 \$3.55/per thousand gallons 24%
 15,001+ \$3.85/per thousand gallons 10%
 100%
 Where ever
 your usage
 falls
 that is
 your rate

Susan Palmer's 1st Proposal

Conservation Water Rate: Approx
 0-4,000 gallons per month = \$20.00 23%
 4001-15000 \$6.00/per thousand gallons 67%
 15001+ \$7.20/per thousand gallons 10%
 100%
 Approx. Revenue **\$126,110.35**

What ever
 your usage is
 you subtract
 off the tier's
 and pay each
 tier per /1000

Susan Palmer's 2nd Proposal

Conservation Water Rate: Approx
 0-3,000 gallons per month = \$25.00 13%
 3001-8000 \$6.00/per thousand gallons 49%
 8001-14000 \$7.20/per thousand gallons 26%
 14001+ \$10.00/per thousand gallons 12%
 100%
 Approx. Revenue **\$159,933.07**

Mayor's Proposal

Conservation Rate: Approx
 \$20.00/Bi -Monthly Flat Fee -OM & R
 0-2000 \$2.75/per thousand gallons 9%
 2001-8000 \$3.60/per thousand gallons 53%
 8001+ \$5.25/per thousand gallons 38%
 100%
 Approx. Revenue \$ **142,525.31**

Conservation Rate: Approx
 \$20.00/Bi -Monthly Flat Fee -OM & R
 0-4000 \$2.75/per thousand gallons 23%
 4001-8000 \$3.60/per thousand gallons 39%
 8001-14000 \$5.25/per thousand gallons 26%
 14001+ \$6.56/per thousand gallons 12%
 100%
 Approx. Revenue \$ **151,995.81**

Where ever
 your usage
 falls
 that is
 your rate

Conservation Rate: Approx
 \$20.00/Bi -Monthly Flat Fee -OM & R
 0-4000 \$2.75/per thousand gallons 23%
 4001-8000 \$3.60/per thousand gallons 39%
 8001-14000 \$5.25/per thousand gallons 26%
 14001+ \$7.90/per thousand gallons 12%
 100%
 Approx. Revenue \$ **160,984.79**

Conservation Rate: Approx
 \$25.00/Bi -Monthly Flat Fee -OM & R
 0-4000 \$3.00/per thousand gallons 23%
 4001-8000 \$4.00/per thousand gallons 39%
 8001-14000 \$5.25/per thousand gallons 26%
 14001+ \$7.90/per thousand gallons 12%
 100%
 Approx. Revenue \$ **142,602.74**

What ever
 your usage is
 you subtract
 off the tier's
 and pay each
 tier per /1000